

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 12 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

**SARGIS PILIPOSYAN; NAIRA
PILIPOSYAN,**

Petitioners,

v.

**ALBERTO R. GONZALES, Attorney
General,**

Respondent.

No. 03-71036

INS Nos. A76-715-405
A75-525-718

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted August 17, 2006
Pasadena, California

Before: **KOZINSKI, O'SCANNLAIN** and **BYBEE**, Circuit Judges.

1. The immigration judge correctly noted that the Piliposyans' testimony was inconsistent with respect to how Sargis got to the hospital after having been detained and how many times he was detained in the KGB building. These

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inconsistencies go to the heart of the Piliposyans' claim, and "only one inconsistency can be sufficient" to support an adverse credibility determination.

Chebchoub v. INS, 257 F.3d 1038, 1043 (9th Cir. 2001).

The immigration judge further found that "their testimony [wa]s highly implausible and improbable," yet petitioners provided "no extrinsic, corroborating evidence"—i.e., "affidavits from relatives" or "medical records corroborating the injuries suffered." We have repeatedly held that "where material corroborating evidence was easily available to the asylum seeker, i.e., it 'does not pose the type of particularized evidentiary burden that would excuse corroboration,' failure to produce such evidence can constitute substantial evidence supporting an adverse credibility determination." Sidhu v. INS, 220 F.3d 1085, 1091 (9th Cir. 2000) (quoting Mejia-Paiz v. INS, 111 F.3d 720, 723–24 (9th Cir. 1997)). Because substantial evidence supports the adverse credibility finding and petitioners provided no other evidence, their asylum claims necessarily fail.

2. Petitioners did not qualify for asylum, so they also fail to qualify for withholding of removal. See Acewicz v. INS, 984 F.2d 1056, 1062 (9th Cir. 1993).

3. Because petitioners' claims under the Convention Against Torture (CAT) were based solely on the statements that the immigration judge found not to be credible, we must similarly uphold the immigration judge's denial of CAT relief. See Farah v. Ashcroft, 348 F.3d 1153, 1157 (9th Cir. 2003).

PETITION DENIED.